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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,765

03/16/2004

David O. Nelson

G11.005

3430

28062 7590 04/11/2007
BUCKLEY, MASCHOFF & TALWALKAR LLC
50 LOCUST AVENUE
NEW CANAAN, CT 06840

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT

PAPER NUMBER

2876

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/801,765	Applicant(s) NELSON, DAVID O.	
	Examiner Kimberly D. Nguyen	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/16/04, 4/16/04, 7/6/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made of Amendment filed January 16, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al (US 5,914,472; hereinafter "Foladare").

Re claims 1, 4-6, and 14-15: Foladare teaches a method comprising

As shown in figure 1 column 4 lines 11-39, Foladare teaches a user presents an ancillary account/card for a purchase transaction, wherein the ancillary account has an available credit (a predetermined amount). The remote transaction service provider of the account/card receives the card information and transaction amount entered by the merchant at step 100; which is "receiving information identifying a payment account having at least one of an account-level and a corporate-level restriction on use" as claimed, wherein the "*at least one* of an account-level and a corporate-level restriction" has been broadly interpreted as an account level (i.e., an available credit or a predetermined amount for the ancillary account).

Foladare teaches, figure 1 column 2 lines 25-32, the system and method for approval or refusal of the transaction by the ancillary transaction cardholder, if the transaction requested is within or exceeds the available credit, respectively; which is

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"identifying a first authorization request that involved the payment account, where the first authorization request was declined for a previous purchase transaction for failing to comply with the at least one of an account-level and a corporate-level restriction on use" as claimed (also column 4 lines 23-57).

Foladare teaches, figure 1 column 4 lines 35-57, if the transaction amount requested by the ancillary transaction cardholder exceeds the available credit, the service provider (central computer) generates/transmits a request informing the account holder that an ancillary card is being used for a transaction, which has exceeded the predetermined spending limit. The central computer requests approval/refusal from the account holder for the requested transaction. If the account holder approves, the central computer transmits the approval code to complete the transaction requested. Therefor, "creating a manual authorization record associated with the payment account and the purchase transaction using information from the first authorization request, the manual authorization record allowing approval of a second authorization request involving the payment account and the purchase transaction" as claimed is anticipated by Foladare.

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the parent/ancillary account sharing system and methodology as taught by Foladare in order to employ Foladare's teaching for the use of corporate level. Such modification would have been an obvious intended use (i.e., to substitute the use of parent/ancillary account with an account-level/corporate-level as claimed) from Foladare.

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Re claims 2 and 11: Foladare teaches the payment account is associated with a purchasing card issued to a purchasing entity having a program administrator (the central computer).

Re claims 3 and 12: Foladare teaches the manual authorization record is created in response to a request by the program administrator (the central computer operator initiates contact with the card holder to inform the card holder that the ancillary card is being used for a transaction, which has exceeded the allowed spending limit; col. 4, lines 40+).

Re claim 10: Foladare teaches, figure 1 column 4 lines 11-57 as explained in claim 1, an apparatus comprising

a processor (a processor is inherently included in the credit card spending authorization control system to process transaction requests, authorization process, etc.); and

a memory/database (col. 2, lines 59+) in communication with the processor and storing instructions for operating the processor to:

receive an authorization request message, the authorization request message identifying a payment account and terms of a transaction;

declining the authorization request message based on a failure of the terms to comply with one or more account limitations associated with the payment account;

establishing a manual authorization record including information from the first authorization request message; and

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authorizing a subsequent authorization request message associated with the payment account by comparing terms of subsequent transaction with the manual authorization record (col. 2, lines 16 through col. 4, line 57).

Remarks

3. Further reviewing the claimed invention, the allowable subject matter indicated in the Office action mailed December 22, 2006 has been withdrawn by the examiner. Given its broadest reasonable interpretation, Foladare meets the claimed invention under 35 U.S.C. 103(a) as set forth above. The examiner respectfully regrets for any inconvenience.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KDN

Kimberly D Nguyen
Primary Examiner
Art Unit 2876

